

# **EXHIBIT**

## **A**



[PRINT] ESPN.com: Boxing

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Saturday, September 2, 2006

## Peter edges Toney for shot at WBC heavyweight title

SportsTicker

LOS ANGELES - James Toney believed he earned a shot at the WBC heavyweight title. Two of the three judges saw things very differently.

Despite having a point deducted in the ninth round, Samuel Peter won a split decision over Toney at Staples Center on Saturday to set up a meeting with WBC champion Oleg Maskaev.

A champion in three different weight classes during his impressive career, Toney was looking for his third chance at a heavyweight belt that has eluded him. The 38-year-old Los Angeles resident, who entered the professional ranks as a middleweight in 1988, thought he got it against Peter, and one of the judges agreed, giving Toney a 115-112 victory.

"It wasn't a hard fight to score if you look at the (darn) fight," Toney said.

However, the 25-year-old Peter (27-1, 22 KOs) finished ahead on both of the other scorecards, 116-111, even though he was penalized a point for slapping Toney's ears with his gloves in the ninth round.

"Toney's a great champion. He's a pound-for-pound boxer," Peter said. "To beat a great fighter is not easy. Tonight, I'm very, very grateful."

"I won the fight," Toney insisted. "It's OK, I'll be back. I'm no quitter. Everyone in this room knew I won the fight. ... I didn't lose the (stinking) fight!"

A Nigerian living in Las Vegas, Peter made Toney (69-5-3) take notice in the third round, landing some powerful punches that had the former IBF middleweight, super middleweight and cruiserweight champion puzzled. But Toney came back in the very next round with jabs that drew blood from Peter's nose.

In the first minute of the fifth, Peter connected with a big shot that had Toney holding the top rope to keep from going down. Ranked No. 2 by the WBC, Toney fired a hard punch to the body which had blood trickling from his opponent's mouth.

Both fighters had a good sixth round and the bout slowed down afterward until the 10th, when Peter landed several more big blows.

"He's a rock, he's a solid guy," said Peter, who entered ranked third by the WBC. "He took all the punches. He's a strong guy."

Toney appeared to take the 11th, but Peter was more active in the final round. In addition to earning a shot at the WBC championship, Peter captured the lesser-recognized NABF and IBA heavyweight belts.

Sustaining his first loss since a majority-decision setback to Drake Thadzi in May 1997, Toney insists he will not retire as a result of Saturday's disappointing result.

"Everybody is trying to force me out of boxing. I'm going to do my thing," he said. "I'll be back. ... This is not over, we're going to protest this because he did not win this fight."

On the undercard, Robert Guerrero captured the IBF featherweight title with an eighth-round technical knockout of Eric Aiken.

In his first defense since winning the belt in May from Valdemir Pereira, who was disqualified for continuous low blows, Aiken again received several punches below the belt from Guerrero (19-1-1, 12 KOs) in the first three rounds.

But the 23-year-old southpaw from Gilroy, California unloaded continuous legal shots thereafter, and Aiken (16-5) was unable to weather the storm and asked his corner to stop the fight after the eighth round.

"I had charge of the fight the whole time," said Guerrero, who worked inside masterfully against Aiken. "I was executing everything I wanted to execute and I had control the whole time. ... I worked behind my jab, kept him off his game."

The loss was the fourth in the last nine bouts for Aiken. Guerrero has won three straight since suffering the lone loss of his career in December to Gamaliel Diaz.

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# **EXHIBIT**

## **B**



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## Maskaev's Next Opponent: Not Samuel Peter

I told you guys there was a way around it...

Newly crowned WBC Heavyweight Champion Oleg Maskaev will defend his title in mid-December in Moscow, Russia according to his promoter Dennis Rappaport. His opponent will not be mandatory challenger Samuel Peter, but Peter Okhelo.

Maskaev's opponent probably will be 34-year-old Peter Okhelo (18-4, 16 KOs), 6-foot-4 fighter from Uganda who is based in Japan. Okhelo has never beaten a notable opponent; two of his losses have come to Maskaev victim Sinan Samil Sam (via decision in 2005) and Rahman victim Kali Meehan (via third-round knockout in 1999). In both of those losses, Okhelo knocked his opponent down.

"It's pretty much a done deal," Rappaport said. "He's in the [WBC] rankings, he's available and it's a voluntary defense."

Plan A for the Maskaev camp was to set up a unification bout against Wladimir Klitschko but injuries suffered in Maskaev's fight against Hasim Rahman prevented that from happening.

Maskaev had a hairline fracture in his elbow, two sore thumbs and a bad back.

"It was about a month too soon for Oleg to be ready to fight Klitschko," Rappaport said. "It's a fight we wanted and a fight we worked on, but the timing just wasn't right. It looks like what we are going to do is for the first time have a heavyweight championship fight in Moscow. Oleg can get in a voluntary fight and then we can come back here for the big fights."

So what about Samuel Peter? Is he getting hung out to dry?

Rappaport stated that the WBC has allowed Maskaev to take the voluntary defense against Okhelo before the end of 2006. The fight would be prevented from happening in 2007 as the WBC would force Maskaev to face Peter or be stripped of his title. Basically, Maskaev-

Peter will be happening at some point in 2007.

I'm wondering if Peter will fight again this year or wait for Maskaev in the spring. He looked pretty beat up after the Toney fight and the official medical suspensions haven't been released yet so I guess we will wait and see...

Posted by John Chandler on Sep 08, 2006 at 10:45 AM

Boxers • James Toney • Klitschko Brothers • Oleg Maskaev • Peter Okhelo • Samuel Peter • Organizations • WBC • Heavyweight

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**ESPN.com:** Boxing

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Friday, September 8, 2006

## Maskaev to make heavyweight defense in December

By Dan Rafael  
ESPN.com

Heavyweight titlist Oleg Maskaev, who claimed his belt via 12th-round TKO of Hasim Rahman on Aug. 12, will make his first defense in mid-December, promoter Dennis Rappaport told ESPN.com.

Rappaport said he was finalizing a deal for Maskaev to defend the title "sometime between Dec. 10 and 16" in Moscow, which has never hosted a heavyweight championship fight.



Maskaev

Maskaev's opponent probably will be 34-year-old Peter Okhhello (18-4, 16 KOs), 6-foot-4 fighter from Uganda who is based in Japan. Okhhello has never beaten a notable opponent; two of his losses have come to Maskaev victim Sinan Samil Sam (via decision in 2005) and Rahman victim Kali Meehan (via third-round knockout in 1999). In both of those losses, Okhhello knocked his opponent down.

"It's pretty much a done deal," Rappaport said. "He's in the [WBC] rankings, he's available and it's a voluntary defense."

Maskaev had hoped to land a unification bout on Nov. 11 with fellow champion Wladimir Klitschko, but various injuries suffered against Rahman prevented Maskaev from being ready.

Maskaev had a hairline fracture in his elbow, two sore thumbs and a bad back.

"It was about a month too soon for Oleg to be ready to fight Klitschko," Rappaport said. "It's a fight we wanted and a fight we worked on, but the timing just wasn't right. It looks like what we are going to do is for the first time have a heavyweight championship fight in Moscow. Oleg can get in a voluntary fight and then we can come back here for the big fights."

Rappaport said the WBC has granted permission for Maskaev, 37, to take a voluntary defense as long as it takes place before the end of the year because he owes a mandatory defense against Samuel Peter.

Peter earned the title shot by winning a split decision against James Toney last week in a title elimination bout.

Maskaev (36-5, 26 KOs), who is from Kazakhstan, became a U.S. citizen two years ago but Rappaport said he was excited about the prospect of going back to Russia to defend the title.

"It's a little bit of history and it gave him the ability to get in the voluntary defense before the end of the year at a time when there aren't any TV dates available [in the United States]," Rappaport said.

*Dan Rafael is the boxing writer for ESPN.com.*



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# **EXHIBIT**

## **C**



# Consejo Mundial de Boxeo

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## Notas de Prensa

### Maskaev-Okhello, por primera vez un título mundial pesado en Rusia



DICIEMBRE 4, 2006

El Presidente del Consejo Mundial de Boxeo, José Sulaimán de México, informó que el próximo 10 de diciembre se inscribirá una importante página en la historia del boxeo universal, al celebrarse la primera pelea profesional de título mundial de peso completo en Moscú, Rusia, en la defensa que hace el gran campeón del CMB, Oleg Maskaev, de Rusia, contra Peter Okhello, de Uganda, residente en Japón, quien es campeón de la Federación Oriental y del Pacífico de Boxeo.

El Consejo Mundial de Boxeo se siente orgulloso de ser partícipe de este momento histórico, ya que nunca antes en los 300 años de historia del boxeo profesional, se había hecho una pelea titular de peso completo en Rusia.

Oleg Maskaev tiene un récord impresionante de 33-5-0, siendo 26 de sus victorias por nocaut; ganó el título en una demostración magistral de boxeo contra el dos veces campeón mundial, Hassim Rahman, de Estados Unidos. Esta es la primera defensa del título que hace Maskaev contra el duro pegador ugandés Peter Okhello.

<http://www.wbcbboxing.com/WBCboxing/Portal/cfpages/contentmgr.cfm?docId=1771&d...> 12/14/2006

<http://www.wbcbboxing.com/WBCboxing/Portal/cfpages/contentmgr.cfm?docId=1771&d...> 12/14/2006



quien ha conquistado 16 de sus 18 victorias por nocaut.

Esta pelea tiene además un toque de gran importancia, ya que el vencedor deberá defender el título obligatoriamente en su siguiente pelea, contra el vencedor de la revancha eliminatoria final entre Samuel Peter, de Nigeria y James Toney, de Estados Unidos, pelea que se celebrará en Miami, Florida el 6 de enero próximo.

Como nota interesante, esta pelea histórica se realiza durante la presidencia del respetado Presidente de Rusia Vladimir Putin y bajo la gubernatura en Moscú de Yuri Luzhkov.

RUSSIA

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info@wbcboxing.com - Experiencia por 45 años

Translated by: Grace Johansson  
Date: December 14, 2006

***Maskaev vs Okhelo: First time a a heavyweight championship In Russia***  
Posted on WBC's web site on December 4, 2006

The President of the World Boxing Council, Jose Sulaiman of Mexico, reported that December 10 will be a memorable moment for the world boxing, because the first professional world heavyweight championship will be held in Moscow, Russia. The great WBC Russian champion Oleg Maskaev will defend its title against Peter Okhelo from Uganda and Japan resident, who is champion of the Oriental Pacific Boxing Federation.

The WBC is proud to be part of this historic moment, because never before in the 300 years history of professional there was a heavyweight title fight in Russia.

Oleg Maskaev has an impressive record of 33-5-0, 26 wins by knock out. He won the title in a superb boxing performance against the two time world champion, Hassim Rahman from the US. This is Maskaev's first title defense against the tough Peter Okhelo from Uganda, who was won 16 of his 18 victories by knock out.

This bout is also quite important because the winner must mandatorily defend in his next fight against the winner of the final elimination rematch between Samuel Peter of Nigeria and James Toney of US. Such fight will be held on January 6, 2007 in Miami, Florida.

# **EXHIBIT D**



**ESPN.com:** Boxing

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Sunday, December 10, 2006

## Maskaev keeps WBC title against Okhelo

Associated Press

MOSCOW -- Oleg Maskaev successfully defended his WBC heavyweight crown Sunday with a unanimous decision over Peter Okhelo in the first world title fight in Russia.

The 37-year-old Maskaev (34-5, 26 knockouts) captured the WBC title in August with a 12th-round knockout of Hasim Rahman. Okhelo, a 34-year-old Ugandan who lives in Japan, dropped to 18-8.

Maskaev kept Okhelo backpedaling in the early rounds and knocked him down with seconds left in the fourth round at Olimpisky Stadium.

Early in the 10th, Maskaev put Okhelo into the ropes and later in the round battered him to a standstill with short jabs to the head.

The sellout crowd of 10,000, which included WBA heavyweight champion Nikolay Valuev and former WBC heavyweight champion Vitali Klitschko, called for a knockout, but Maskaev couldn't land the blow.

"Not all worked smoothly today," Maskaev said. "But then I slowly braced myself and make it to the victory."

"I expected the fight to be long. Peter Othello was tough. I tested him several times, knocked him down but he withstood."

The judges scored the bout 120-107, 118-109 and 120-107.

Maskaev was born in Kazakhstan when it was part of the Soviet Union, but has lived in the United States for a decade and is a U.S. and Russian citizen. President Vladimir Putin granted Maskaev Russian citizenship a day before the bout.

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ESPN.com: Boxing

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Sunday, January 7, 2007

Updated: January 9, 10:38 AM ET

## Peter crushes Toney, hopes shot at Maskae is next

By Dan Rafael  
ESPN.com

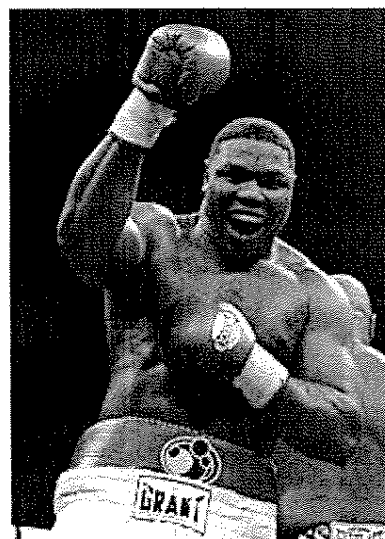
HOLLYWOOD, Fla. -- Heavyweight contender Samuel Peter erased any doubts about his controversial split decision victory against James Toney four months ago.

Peter did it impressively, using Toney as a punching bag for 12 rounds and knocking him down to easily win a unanimous decision Saturday night before a sellout crowd of 5,238 at the Seminole Hard Rock Hotel & Casino.

The victory in the title elimination bout should mean Peter will be the next challenger for titlist Oleg Maskae, unless the WBC goes against its previous ruling, which it did after the first Peter-Toney bout. After Toney's camp protested the scoring, the sanctioning organization ordered a rematch, and Peter clearly took it very seriously.

He came in at a muscular 249 pounds -- eight less than last time -- and beat Toney all over the ring.

"I was really ready for the fight," said Peter, who credited the relocation of his training camp from Las Vegas to South Florida. "I didn't break for Christmas. I just trained hard; I ran hard, and I had never done a lot of running before."



After his win Saturday night, Samuel Peter could be the next challenger to face WBC heavyweight champion Oleg Maskae.

One judge scored it 119-108 while the two others had it 118-110. ESPN.com had it a 120-107 shutout.

"I taunted him. I gave him the Muhammad Ali shuffle with a little Floyd Mayweather, too," Peter said. "This was my best fight."

Peter (28-1) started fast, landing heavy jabs in the opening round. Then he rocked Toney (69-6-3) with an overhand left, but his follow-up shot clubbed Toney behind the head, and referee Jorge Alonso warned him for the illegal blow.

"I taunted him. I gave him the Muhammad Ali shuffle with a little Floyd Mayweather, too. This was my best fight."

-- Samuel Peter

Peter came out fast again in the second and knocked Toney down with a left jab to the chin five seconds into the round. It was the first time Toney -- known for a granite chin -- had been down since his 1994 super middleweight title loss to Roy Jones Jr.

Peter continued to pound on Toney during the round, bullying him to the ropes and unloading a series of rights and lefts.

When Toney, who earned \$1.1 million, finally landed a hard right hand in the third round, Peter, who made \$1.5 million, didn't flinch. Instead, he marched forward and threw back at Toney.

By the fifth round, Toney's left eye was swelling. He was standing flat-footed and taking lots of punches. He was tired, too, fighting with his mouth hanging open. The defensive wizardry that made Toney so effective was nowhere to be seen. All the while, Peter slugged away and it looked like it was only a matter of time until Peter scored a knockout.

It was more of the same in the seventh and eighth -- Peter landing a few big shots and Toney throwing one punch at a time and breathing heavily.

Toney, 38, never mounted a serious offense, never did any real damage.

Yet, he somehow thought he won the fight.

"I didn't go down [in the second round], I slipped. I felt I won the fight, but it's all good. I'm still the best fighter in the world. This guy is supposed to be a hell of a puncher and he couldn't knock me out, and I started at middleweight."

-- James Toney

"I disagree with the decision. I was aggressive," Toney said.

He also disputed the knockdown.

"I didn't go down," said Toney, whose hiring of fitness guru Billy Blanks of Tae Bo video fame didn't appear to make any difference. "I slipped. I felt I won the fight, but it's all good. I'm still the best fighter in the world. This guy is supposed to be a hell of a puncher and he couldn't knock me out, and I started at middleweight."

Indeed, Toney, who was 234 pounds -- one more than last time -- is a former middleweight, super middleweight and cruiserweight champion. He had a strong run at heavyweight, beating Evander Holyfield and beating John Ruiz for a title in 2005 before being stripped a couple of weeks later for a positive post-fight steroid test.

"I'm still going to fight," he said. "I'll fight anyone, anywhere. I respect no one. I don't care. Nobody has ever done what I've done. I beat all the best fighters out there from middleweight to heavyweight."

Peter was more humble in victory. When asked if he was the best, his answer was refreshing.

"I'm not the best yet," he said. "The champions have the belts, so I have to give them credit first. But I will be the best."

Simms reclaims belt

Travis Simms came out of a 27-month layoff to score a bloody ninth-round TKO of Jose Antonio Rivera and regain his junior middleweight title in the co-feature.

Simms had never lost his 154-pound belt in the ring. Instead, he was stripped by the WBA, which ordered him to face a mandatory challenger other than one who had previously been appointed.

Simms' resulting lawsuit left him idle for more than two years and hungry to regain the belt that Rivera, 33, eventually won. As part of the settlement, Simms, 35, was given a shot at Rivera (38-5-1) and designated "champion in recess."

Simms (25-0, 19 KOs) sure didn't look like a guy who had been off for so long.

He had a huge second round and appeared to break Rivera's nose with a straight right hand. Rivera's nose immediately began bleeding badly, but Simms didn't let up.

He knocked Rivera into the ropes and referee Frank Santore Jr. called a knockdown because the ropes held him up.

Simms was in complete control throughout the fight.

In the ninth, Simms, a southpaw who effectively switched to an orthodox stance throughout the bout, hurt Rivera with a left hand. A follow-up blow knocked Rivera to his backside against the ropes.

He made it to his feet at nine, but Simms, of Norwalk, Conn., attacked immediately and was creaming him with shots when Santore intervened at 2:00.

"I saw he was dropping his hands and I was looking to drop my big left hand on him," Simms said. "I knew he couldn't take it. I'm not known as a power puncher. I'm a stick-and-move guy, but I just showed everybody in the world that I have a punch."

Rivera, of Worcester, Mass., agreed.

"He hit me with some good shots. He got me," said Rivera, who was making the first defense of the belt he won from Alejandro Garcia in May. "I told the referee that as long as I am standing, don't stop the fight. But he told me he wanted me to fight another day. It was a character builder. Many fighters have come back from a loss."

Simms hopes the impressive performance helps him get a fight with a big name in the star-studded division.

"I'm looking to get in the mix with the top fighters in the division," he said. "Cory Spinks or Oscar De La Hoya or Floyd Mayweather. I don't care. It's my first fight back in 2½ years. I got my ring rust off. The next time I will be even more impressive."

• Six months ago, Roman Karmazin lost his junior middleweight title on a majority decision to Cory Spinks, in large part because he wasn't aggressive enough. That was not the case in his return.

Karmazin dominated James Obede Toney (no relation to the main event heavyweight), stopping him in the fourth round of a middleweight bout.

Karmazin (35-2-1, 22 KOs), of Russia, used his powerful left hook repeatedly to wear down Toney, of Ghana. He finally dropped Toney (21-3-1) with a fast four-punch combination -- left, right, left, right. Toney got up dazed and Karmazin finished him a few seconds later.



Karmazin

Karmazin trapped him against the ropes and was landing left hooks at will when referee Frank Gentile called it off at 2:05.

Karmazin doesn't plan on staying at middleweight, but returning to junior middleweight in an effort to reclaim his title.

- Guillermo Jones (34-3-2, 27 KOs) of Panama, who twice challenged for junior middleweight titles, was impressive in his heavyweight debut almost 50 pounds heavier as he destroyed Jeremy Bates (21-13-1) in the first round.

Jones, a top cruiserweight contender for several years, was supposed to fight for a vacant belt in July. However, he got ill a few days before the fight and withdrew.

In his return, Jones -- now trained by Kevin Cunningham, who also trains junior middleweight titlist Cory Spinks -- brutalized Bates.

During the onslaught, Jones, who weighed 213 pounds, landed a pair of powerful uppercuts and a right hand that did enough damage to send 227-pound Bates staggering into the ropes and causing referee Santore to give him a count. A few seconds later, Jones was all over him again and Santore stopped it at 1:44.

Jones managed to stop Bates, an insurance salesman by day, in quicker fashion than Evander Holyfield did in August. Bates lasted into the second round with the former four-time heavyweight champ.

- Welterweight Devon Alexander (10-0, 5 KOs), who fights out of the same stable as junior middleweight titlist Cory Spinks, overwhelmed Maximino Cuevas (9-5) with a dazzling array of punches from all angles before stopping him in the fourth round. Alexander, a southpaw who turns 20 next month, picked Cuevas apart with precision. He opened a cut over his left eye in the fourth round and was hammering him when referee Santore called it off at 1:44.

- Heavyweight Bermane Stiverne (9-0, 9 KOs) destroyed Otis Mills (5-3-1) via first-round TKO. Stiverne, 28, a Cameron Dunkin-managed prospect, showed fast hands and a big punch. He dropped Mills with a huge right hand and finished him at 1:48 with a follow-up flurry.

*Dan Rafael is the boxing writer for ESPN.com.*

# **EXHIBIT E**

**From:** [DRAPPBOXING@aol.com](mailto:DRAPPBOXING@aol.com)  
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**Cc:** [msulaiman@wbcboxing.com](mailto:msulaiman@wbcboxing.com)  
**Sent:** Thursday, December 21, 2006 10:37 AM  
**Subject:** MASKAEV vs KLITCHKO UNIFICATION BOUT  
December 21, 2007

**TO:** JOSE SULAIMAN, CH.  
**FROM:** DENNIS RAPPAPORT  
**RE:** MASKAEV vs. KLITCHKO UNIFICATION BOUT

Dear Jose,

Boxing is in trouble. Our fan base is eroding. The demographics, so significant to sponsors and advertisers ... 16 year olds to 35 year olds are being enormously depleted. We are losing these fans in droves to Ultimate Fighting as well as other sports. Ultimate Fighting has experienced an enormous increase in popularity while boxing is reaching an all time low in popularity. If immediate action is not taken to reverse the trend, we must take responsibility for we then become part of the problem instead of the solution.

We have an agreement in place to do a unification bout with Vladimir Klitchko, which is subject to the sanctioning of the WBC. The heavyweight division and the Heavyweight Championship are in a state of complete confusion and chaos. The sports fan and boxing fans are clueless as to who the Heavyweight Champion is. Can we blame them? There a 4 Heavyweight Champions, none with sufficient recognition where the public knows them or can identify them as the Heavyweight Champion. The heavyweight division and its champion, who have historically been the foundation of the sport is now finding itself in a secondary position. The Heavyweight Champion who was held in esteem, respect, and admiration, and the heavyweight champion which was always considered the most coveted prize in sports is now turning into the laughing stock of sports. This has diminished the value and credibility of a sport that we both truly love.

A Klitchko – MaskaeV unification bout would be the biggest, most anticipated fight that the heavyweight division has seen in years. It will be received with great enthusiasm, anticipation, and excitement. It is by far the biggest heavyweight fight out there. It would generate huge revenues and huge



sanctioning fees. The bout would take place in Moscow and it would insure that Russia would become the next hot spot for boxing and the WBC would be recognized as the Number 1 organization in Russia. The Russian government is solidly behind the fight. The highest level of dignitaries will make sure that the unification bout would become an unforgettable international event.

Jose, countries, Presidents, Ministers of Sports want the fight, the world wide media want the fight, boxing fans throughout the world want the fight...and the WBC should want the fight for the welfare of our sport, both now and in the future.

I will endeavor to address specifics as to boxing mandatories as well as some concerns the WBC may have.

Background; State of Mandatories in the heavyweight division; State of Mandatories in other divisions, and some history

In November '05, Maskaeve went to Germany to face Sinan Sam in a title eliminator. Oleg won a decisive unanimous decision and subsequently was ranked No. 1 and Toney was ranked No. 2. After Vitali Klitschko announced his retirement, the WBC made a decision that the No. 2 ranked Toney be given priority over the No. 1 ranked Maskaeve. In March '05 Toney, the 1<sup>st</sup> mandatory fought Rachman. The decision was a draw. The WBC's position was that since the draw was controversial, Toney would have a 2<sup>nd</sup> mandatory and would face the winner of Maskaeve – Rachman. (It seemed that the only controversy regarding the draw between Toney - Rachman was that the overwhelming majority of the media and fans felt that Rachman clearly won that fight.)

Jose, prior to Maskaeve – Rachman, I discussed with you my intent in Maskaeve taking an interim bout before facing Rahman. His last fight was in November '05 against Sam and I wanted a tune-up to avoid 9 months of inactivity. You recommended to me not to take a tune-up because if I did, people could argue that Maskaeve was unavailable.

In signing for the August '06 bout, Rahman – Maskaeve bout, both fighters committed that the winner would fight Toney. But, low and behold, to everyone's surprise Toney didn't wait and made himself unavailable, preferring to take a good payday and fight Samuel Peter in September '06. It's our position that Toney in electing to fight Peter, instead of waiting to fight the winner of Maskaeve - Rahman, eliminated his status for an immediate mandatory. In facing Peter a

month after the Maskaev – Rahman fight, Peter won a close decision. The WBC ordered a rematch that will take place in January of 2007.

If Toney waited as Maskaev did, and had chosen not to initially fight Peter, then on December 10, 2006 Maskaev would have faced Toney instead of Okhhello. No questions asked and no controversy. Peter had previously lost to Klitchko; Toney had a draw with Rachman, then lost to Peter. Maskaev knocked out Rahman.

I believe its normal and customary for the champion to be given one year to fight his mandatory except when there is a vacant championship, and then at the WBC's option, they can request 2 mandatories. After Klitchko's retirement, Rachman, in March '06, fought his 1<sup>st</sup>. mandatory against Toney, then in August '06, he fought his 2<sup>nd</sup> mandatory against Maskaev. In a 5-month period, the heavyweight division had 2 mandatories.

Its our position, if Toney defeats Peter, he becomes a mandatory of regular status and he would face the winner of Maskaev vs. Klitchko; and if Peter wins, he also would face the winner of Maskaev vs. Klitchko, who would both stipulate and agree that they will face the Peter – Toney winner in August '07, which will be within a year of Maskaev winning the title. Both Peter and Toney will benefit because they will receive more money facing the Unified Champion than they would facing Maskaev, who would be 1 of 4 champions.

Jose, what are we really asking for...a short extension which is only applicable if you don't agree with my position on the mandatory, the two that have taken place already and Toney losing his immediate mandatory status by electing to fight Peter in the first place.

From the WBC web-site, we reviewed the mandatory status of each division.

Ranking and Compulsory status within that division was as of November 2006

CRUISERWEIGHT Division: Champion O'Neil Bell; last compulsory within this division was made by Braithwaite on October 11, 2002. Thus there hasn't been a mandatory for over 4 years. There finally was a purse offer in August '06, but the fight still hasn't taken place. The purse offer was won by Don King. We understand that the fight is scheduled for March 2007.



LIGHTWEIGHT Division: Champion Cassemayor; last compulsory (mandatory) in this division was December 2002 made by Mayweather. Thus in the Lightweight Division, there hasn't been a mandatory in over 4 years.

SUPER-FEATHERWIGHT Division: Marco Antonio Barrera won the title November 27, 2004. The Last compulsory was April 9, 2005. It's been 20 months, close to 2 years, since the last mandatory.

FEATHERWEIGHT Division: Champion Rudolpho Lopez; the last compulsory in this division was April 2004, some 20 months ago.

SUPER-BANTAMWEIGHT Division: Champion Israel Vazquez. The last compulsory in this division was in November 2004. It's been over 2 years since the last mandatory in this division.

LT. FLYWEIGHT Division: Champion Omar Nino. The last compulsory in this division was September 10, 2005...some 15 months ago.

Furthermore, on your website for January '06:

HEAVYWEIGHT Division: Champion Hasim Rachman, as of January of '06, the last compulsory was by Klitchko. There was no compulsory since April 24, 2004. SUPER-WELTERWEIGHT Division: Champion Ricardo Mayorga. The last compulsory in this division was July 21, 2000. It was almost 6 years; the last compulsory was made by Oscar De La Hoya almost 6 years prior.

LIGHTWEIGHT Division: Champion Diego Corrales. The last compulsory in this division was December 2, 2002 by Castillo. More than 3 years prior.

SUPER-BANTAMWEIGHT Division: Champion Israel Vazquez. The last compulsory in this division was November 27, 2004, about 13 months prior.

BANTAMWEIGHT Division: Champion Hasegawa. The last compulsory in this division was October 4, 2003...well over 2 years.

As of April, 2004:

SUPER-WELTERWEIGHT Division: Champion Ronald Wright. The last compulsory in this division was July 21, 2000, almost 4 years prior.

STRAW-WEIGHT Division: Champion Akakura. The last compulsory in this division was November 1, 2001, some 2 years and 5 months prior.

Jose, I can go on and on. Suffice it to say that I stopped at over 100 cases where champions hadn't faced a mandatory in well over 1 year. That is over 100 times, and I stopped. In the history of the WBC there has never been a heavyweight Champion who had to fight 2 successive mandatory challenges with the exception of Rahman. If Peter and Toney fight on January 6, 2007 and if neither one is injured or cut and if WBC does not order another rematch, then there would be a 30 day period for free and open negotiation. If no agreement is reached then a purse offer would be set, let's say for February 10<sup>th</sup>; the fight would then be ordered to take place within 90 or perhaps 120 days. The earliest the fight could take place would be between May and June of 2007. Is it unreasonable to ask for an extension till August, for an event of this magnitude? One that will reflect so well on boxing, the WBC, for Maskaev, for Klitchko, for Russia, for the Betterment of Boxing. It can only enhance both the prestige and the respect held for our sport.

#### CONCERNS OF THE WBC...WORRIES CONCERNING BEING SUED:

Jose, there is no basis for a lawsuit. However, if you are concerned, both the Maskaev side and the Klitchko side will indemnify you against any lawsuit. Under your own rules and regulations for championship defenses it states in Rule 1.21,b) Mandatory Defense Obligations, x):

**'Under extreme special circumstances, such as an unification bout or a proposed bout with a legendary boxer, that could result in a great promotion, prestige, and importance for the sport of boxing, the WBC may sanction such bout as a mandatory bout. If a mandatory challenger had already been appointed by the WBC, the winner of the special bout will then face the mandatory challenger without an intervening contest.'**

Does anything more clearly define a Maskaev – Klitchko Championship Unification bout? This rule is so precise that stands on its own, and all you need to do is to exercise this rule and then no accounting to anyone will be necessary.

We respectfully request this short extension. It will take place within a year of Maskaev winning the title. And, it will be the 3<sup>rd</sup> mandatory in a relatively short period.

If for some reason, known only to yourself, you will not exercise Rule 1.21, b) Mandatory Defense Obligations, x), referenced above, which is apparently well within your scope of authority to approve, or if you find that you can't accommodate our request for a short extension, we then ask you to intervene to make this fight happen. It's a fight the world is waiting for. Jose, there is no logical reason not to approve it and every logical reason to approve and support it.

We are hoping to receive a positive response from you as soon as possible.

With warmest regards,  
Dennis Rappaport

# **EXHIBIT F**



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## Maskaev camp seeking WBC approval for showdown with Klitschko!

January 31, 2007

In a letter to WBC president Jose Sulaiman sent by both email and fax, Dennis Rappaport, promoter of WBC heavyweight champion Oleg Maskaev has made an impassioned argument as to why Maskaev should be allowed to accept a lucrative fight with "champion emeritus" Vitali Klitschko before making his defense against mandatory challenger Sam Peter.

January 29, 2007

Jose Sulaiman, President  
World Boxing Council

Dear Jose,

This is a follow-up to my e-mail to you of December 21, 2006 as well as the numerous telephone conversations with you in which I requested the WBC's sanctioning and approval of a Heavyweight Championship bout between Oleg Maskaev and Vitali Klitschko. Said bout would be Oleg's next defense of his title.

Peter and his representatives are creating controversy by their blatant attempts at distorting the facts. Maskaev's next mandatory is not due until August 2007. Let's examine the facts as they are and let's remember that Maskaev has rights as the WBC Heavyweight Champion.

Vitali Klitschko stepped aside as the WBC Heavyweight Champion, due to injuries. He then agreed to retire as an undefeated champion having never lost as World Champion. The WBC guaranteed and declared that if he returned, as a former champion, he would be entitled to immediately fight the World Champion. After Klitschko retired, Oleg Maskaev was ranked #1, James Toney was ranked #2, and Hasim Rahman's status changed from interim champion to World Champion. The WBC decided that the #2 ranked Toney, who never fought a title eliminator, would be Rahman's 1st mandatory challenger and the winner would then fight the #1 ranked Maskaev, who fought and won a title eliminator, as a 2nd mandatory challenger. In March of '06 Rahman and Toney fought to a draw. Due to the controversial draw, Toney wanted an immediate

rematch. The WBC determined that Rahman must fight Maskaeve next, and that the winner of that bout would commit to fighting Toney in the next bout.

All Toney had to do was wait and be available to fight the Rahman-Maskaeve winner. Instead of waiting and remaining available, Toney chose to pursue a lucrative opportunity to fight Samuel Peter. Maskaeve faced a similar decision after his title eliminator fight against Samil Sam in November '05. As you recall, I spoke with you regarding my desire for an interim fight to avoid 9 months of inactivity. You recommended that Maskaeve not take an interim fight, because if he did, it could be argued he was unavailable and potentially could lose the opportunity of fighting for the title. Why does the same standard not apply to Toney?

Toney fought Peter in September '06, the verdict was a split decision in favor of Peter. The vast majority of the media thought Toney won the fight. Because of the controversy, the WBC ordered a rematch in which Peter won a unanimous decision. It should be clear that once Toney decided not to wait to fight the Rahman-Maskaeve winner, which took place in August '06, and instead decided to fight Peter in September, he made himself unavailable to fight the Rahman-Maskaeve winner and therefore forfeited his right. Consequently, the WBC should never have approved the match between Peter and Toney in the first place.

Furthermore, there has been no explanation as to why Peter was entitled to step into Toney's position as mandatory challenger when he defeated Toney. Peter did not fight to a draw with then champion Rahman, Toney did. The very best scenario for Peter should be that he has a mandatory status. However, that mandatory status wouldn't be due until August '07.

The heavyweight division has had more mandatories in the last year than any other division in boxing. The WBC rules clearly provide that a champion has one year in which to fight the mandatory, and more often than not, as courtesy a reasonable extension may be granted. Peter's representatives claim that since he fought a title eliminator he should be granted special status. Allow me to remind you that Maskaeve fought a title eliminator against Sam and the WBC nonetheless determined that Toney, who was not ranked #1 and did not fight an eliminator, be given priority to fight for the title over Maskaeve, who fought and won a title eliminator and was rated #1. Does Peter deserve more consideration than Maskaeve? Maskaeve did it the right way, he earned it by defeating Samil Sam and becoming the #1 mandatory challenger and then by defeating Rahman by a knockout in a fight that the media and the fight fans described as one of the most exciting bouts in a very long time.

Jose, I have made repeated requests of you, via telephone, for the sanctioning of an Oleg Maskaeve-Vitali Klitschko bout for the WBC heavyweight Championship. While Peter and his representatives scream

inaccuracies about their rights, Oleg Maskaev deserves the rights given to him by the WBC, as the WBC Heavyweight Champion. He has every right to make a defense against Vitali Klitschko for the following reasons:

1. Maskaev has 12 months to make a mandatory defense per WBC Rule 1.21, b. Mandatory Defense Obligations

2. He clearly has the right to fight before then. He is a family man with 4 daughters and it would be unconscionable to deprive him of his right to maximize his earning potential.

3. Under your own rules and regulations for Championship Defense Obligations, Rule 1.21,b, x states:

'Under extreme special circumstances, such as a unification bout or a proposed bout with a legendary boxer, that could result in a great promotion, prestige, and importance for the sport of boxing, the WBC may sanction such bout as a mandatory bout. If a mandatory challenger had already been appointed by the WBC, the winner of the special bout will then face the mandatory challenger without an intervening contest'

4. WBC Rule 1.21, a) Voluntary Defense Obligations states '.....The defenses must be against:

i) any of the top ten (10) rated contenders;

i) upon a majority vote of the Board of Governors, any boxer rated from 11 to 19 positions;

ii) a champion or a top-10 rated boxer of another immediate lower or higher weight division, subject to the majority vote of the Board of Governors;

iii) a former or retired world champion upon majority vote of the Board of Governors; and

iv) another boxing organization's champion recognized by the WBC, upon majority vote of the Board of Governors.

Vitali Klitschko is the WBC Champion Emeritus, but more significant, he's a former champion who never lost the championship in the ring. He was undefeated as the WBC World Heavyweight Champion. Furthermore, the WBC, upon Klitschko giving up the title, publicly stated that if he elected to continue his career, he would receive an immediate opportunity to fight for the title against whomever held the WBC Heavyweight Championship at that time.

A Maskaev-Klitschko fight would be to boxing what fresh oxygen would be



to a suffocating man. It would greatly enhance the integrity, dignity, and prestige of boxing.

As per the WBC rule 1.21, b) '....All WBC recognized champions are obligated to make at least one yearly mandatory defense against the designated official challenger.' By the WBC's own rules, Maskaev has until August 2007 to fight a mandatory defense, and the WBC should not deprive him of the rights given him by their own rules and regulations.

We expect the WBC to protect and uphold Oleg Maskaev's rights as the WBC World Heavyweight Champion.

Procrastination and delay in making a decision to sanction Maskaev-Klitschko will create lost opportunities and diminished revenues. This is a huge promotion and we must be able to commit a date to international television. The onsite Russian promoter must commit to a date or lose the availability of a site. There are many more arrangements that must be made. I respectfully request that you expedite this matter and immediately approve and sanction the Maskaev-Klitschko bout. Time is of the essence.

Thank you for your kind consideration,

Yours truly,  
**Dennis Rappaport**  
Promoter of Oleg Maskaev

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# **EXHIBIT G**

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

BARRY H. BERKE  
PARTNER  
PHONE 212-715-7560  
FAX 212-715-7660  
BBERKE@KRAMERLEVIN.COM

January 26, 2007

**BY FACSIMILE, FEDERAL EXPRESS  
AND ELECTRONIC MAIL**

Mr. Jose Sulaiman  
President  
World Boxing Council  
Cuzco 872  
Col. Lindavista  
07300 Mexico, D.F.

Re: Samuel Peter

Dear Mr. Sulaiman:

We write on behalf of our client, Samuel Peter, concerning his mandatory World Boxing Council heavyweight championship fight against Oleg Maskaev.

As you know, on September 2, 2006, Mr. Peter defeated James Toney in a WBC-sanctioned elimination bout, thus establishing himself as the mandatory challenger for the WBC heavyweight championship. Mr. Peter thereafter sought to negotiate a championship fight with Mr. Maskaev. However, the WBC took the extraordinary step of ordering Mr. Peter to fight a rematch with Mr. Toney before it would sanction a championship fight with Mr. Maskaev. In order to discourage Mr. Peter from challenging the WBC's decision, the WBC, through you and other of its representatives, promised Mr. Peter and his representatives that if Mr. Peter were to defeat Mr. Toney again, the WBC would sanction an immediate championship fight. Mr. Peter agreed to those terms, and in reliance on the WBC's promises, accepted a rematch with Mr. Toney. In accordance with that agreement, the Peter-Toney rematch was sanctioned by the WBC as a WBC Heavyweight Elimination world championship bout. In a press release announcing the bout, the WBC stated that the rematch would establish the "official undisputable challenger to our new champion Oleg Maskaev" and that "the WBC wishes that the official challenger be the winner of this rematch." The understanding that the winner of the second Peter-Toney fight would then fight Mr. Maskaev for the championship is confirmed in, among other things, additional WBC press releases, promotional material for the fight, and in media coverage of the fight.

On January 6, 2007, Mr. Peter defeated Mr. Toney again and "validated" his status as the "official undisputable challenger" to Mr. Maskaev. As you know, Mr. Peter is once again ready to begin negotiating the terms of a championship fight against Mr. Maskaev.

1177 AVENUE OF THE AMERICAS NEW YORK NY 10036-2714 PHONE 212.715.9100 FAX 212.715.8000 WWW.KRAMERLEVIN.COM

ALSO AT 47 AVENUE HOCHÉ 75008 PARIS FRANCE

KLJ 2569620.1

IN ALLIANCE WITH BERWIN LEIGHTON PALMER: LONDON \* BRUSSELS

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Mr. Jose Sulaiman

January 26 2007

Page 2

It has come to our attention that Vitali Klitschko has asked the WBC to sanction a championship bout between Mr. Klitschko and Mr. Maskaev, which would interfere with Mr. Peter's right to fight Mr. Maskaev. We trust that the WBC will abide by its obligations and promises to, and agreements with, Mr. Peter, and require Mr. Maskaev to fight Mr. Peter for the WBC heavyweight championship.

In the event that the WBC once more delays or denies Mr. Peter his right to fight Mr. Maskaev for the WBC heavyweight championship, Mr. Peter will take legal action to protect his rights, including the right to immediately fight Mr. Maskaev for the heavyweight championship.

This letter is without prejudice to Mr. Peter's rights and remedies in law and equity, all of which are specifically reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Berke", written in a cursive style.

Barry H. Berke

# **EXHIBIT H**

To: Oleg Maskaev  
Samuel Peter  
Vitali Klitschko  
and Representatives

Re: Compulsory Mediation and Arbitration

Gentlemen:

As you are all aware and has been widely reported, there is now a controversy regarding which of Samuel Peter or Vitali Klitschko should be the next mandatory official challenger for the WBC World Heavyweight Championship. Both of you have claimed certain rights and privileges in contradiction of the claims of the other. Additionally, Oleg Maskaev has requested to defend the title next against Vitali Klitschko.

Great deals of comments have been publicly made, many of which state that the WBC has issued an order in this matter. This is incorrect.

On the one hand, the WBC believes that it may accept the proposed Maskaev versus Vitali Klitschko under its rules and regulations and the circumstances as a great bout for boxing, and on the other, fully recognizes that Samuel Peter won not only the elimination bout against James Toney, but also the rematch. The WBC is thus between competing claims.

According to Section 5.2 of the WBC Rules and Regulations (available at [www.wbcboxing.com](http://www.wbcboxing.com)), the President of the WBC has the discretion to attempt to resolve the controversy himself. He has used that discretion in this case through many discussions with the camps. He has been unfortunately unable to resolve the controversy among the parties, and believes that the administrative remedies of Section 5.2 have been exhausted without resolution.

Therefore, the WBC is obligated to invoke the provisions of Section 5.3 of the WBC Rules and Regulations regarding non-binding Compulsory Mediation. Therefore the WBC orders that the instant dispute be submitted to such mediation at this time.

Given that time is of the essence as each of you has indicated, the compulsory mediation must commence as soon as possible. The WBC therefore orders that we meet on Monday, February 5, 2007, at 12:00 p.m. Mexico City time at the WBC's offices in Mexico City to initiate the mediation proceedings. An authorized representative from each party must be present.

Under Section 5.3, the interested parties to a dispute must, in good faith, attempt to select a neutral mediator to conduct the mediation. The eligible candidate must be neutral and have experience in the sport of boxing or in resolving boxing disputes. It is therefore imperative that you contact each other immediately in order to select the mediator.

The WBC Rule 5.3 (attached) addresses the specifics of selection of the mediator. Should you require assistance in selecting the mediator, the WBC would be pleased to assist in providing one or more suggestions of neutral candidates.

In the event that you are unable to agree on a mediator, per Rule 5.3, each of you shall nominate two qualified candidates from the pool of Mediators of the Court of Arbitration for Sport (the "CAS"). The information regarding the CAS is available on the Internet at <http://www.tas-cas.org/>, and its pool of Mediators is listed at: <http://www.tas-cas.org/en/mediat/frmmediat.htm>.

Please be advised that if the Compulsory Mediation is not held or is unsuccessful for any reason, then Rule 5.4 requires Mandatory Arbitration. Pursuant to this rule, to which incidentally all of you have agreed in writing, any dispute arising in connection with a WBC sanctioned bout will be settled exclusively by mandatory arbitration before the CAS, pursuant to the Code of Sports-Related Arbitration.

As specified in the WBC Rules and Regulations, all boxers involved in WBC sanctioned fights, as well as all related parties, acknowledge that these provisions concerning alternative dispute resolution are an essential part of these Rules and Regulations, and any person having a claim

against the WBC expressly waives all remedies and courses of action other than those provided for in WBC Rule 5.

Please confirm in writing by the close of business today, Wednesday, January 31, 2007, again in the interest of expediency, that you and/or your representatives will attend the Compulsory Mediation session in Mexico City as ordered above. Additionally, please advise on your progress and selection of the Mediator prior to that time. Kindly address all correspondence to me (gpenagaricano@wbcboxing.com), with a copy to our General Counsel Robert Lenhardt (attylen@yahoo.com).

Respectfully,

Gabriel A. Peñagaricano, Esq.  
WBC Secretary General

# **EXHIBIT**

## **I**



KRAMER LEVIN NAFTALIS & FRANKEL LLP

BARRY H. BERKE  
PARTNER  
PHONE 212-715-7560  
FAX 212-715-7660  
BBERKE@KRAMERLEVIN.COM

January 31, 2007

BY ELECTRONIC MAIL

Gabriel A. Peñagaricano, Esq.  
Secretary General  
World Boxing Council  
P.O. Box 71449  
San Juan, Puerto Rico 00936-8549

Re: Samuel Peter

Dear Mr. Peñagaricano:

We write on behalf of our client, Samuel Peter, in response to your January 31 letter.

It is clear from your letter that the WBC is continuing to breach its agreement with Mr. Peter to immediately sanction his championship fight against Oleg Maskaev following his second victory over James Toney. The WBC promised Mr. Peter an immediate title fight if he again defeated Mr. Toney in order to induce Mr. Peter to accept the rematch without challenging the WBC. Each day that the WBC fails to order Mr. Maskaev to negotiate the terms of a championship fight with Mr. Peter results in financial damages and irreparable harm to my client, who, as the WBC has admitted, is entitled to, and wishes to, fight Mr. Maskaev immediately so that he can become the WBC heavyweight champion.

Contrary to your letter, the WBC is not faced with "competing claims," since Mr. Peter has the *sole claim* to a fight against Mr. Maskaev. Even under WBC rules, Vitali Klitschko would only be able to fight Mr. Maskaev if the WBC unilaterally decides that he should be allowed to do so. That is, Mr. Klitschko would only have a claim to a fight against Mr. Maskaev if the WBC created such a claim for him in violation of Mr. Peter's hard-earned right to an immediate title fight. To the extent that "the WBC believes that it may accept the proposed Maskaev versus Vitali Klitschko [fight] under its rules and regulations" in contravention of Mr. Peter's rights, the WBC's bad faith in doing so will subject it to further liability to Mr. Peter. See *M'baye v. World Boxing Association*, 429 F.Supp.2d 660, 668 (S.D.N.Y. 2006) (WBA acted in bad faith by repeatedly failing to sanction mandatory challenger for a title fight in order to secure higher sanctioning fees from other fights).

In today's letter, the WBC concedes that it has not yet issued an order sanctioning a heavyweight championship fight. Furthermore, it appears from your letter that the WBC is seeking to avoid its obligation to sanction a heavyweight championship fight between Mr. Maskaev and Mr. Peter as it represented it would in inducing Mr. Peter to accept a rematch with

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

Gabriel A. Peñagaricano, Esq.

January 31, 2007

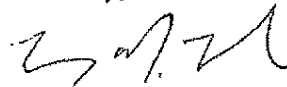
Page 2

Mr. Toney. While we understand that the WBC would like to resolve this issue through mediation and/or arbitration, there is no decision for any party to challenge since the WBC has not yet issued an order sanctioning a championship fight.<sup>1</sup> There is only one possible resolution that will avoid a lawsuit – the WBC's *immediate* sanctioning of a championship fight between Mr. Maskaev and Mr. Peter – a resolution that is entirely within the WBC's control. We therefore repeat our request that the WBC immediately sanction a heavyweight championship bout between Mr. Peter and Mr. Maskaev consistent with the WBC's prior representations to, and agreement with, Mr. Peter.

We believe this issue can be readily resolved by the WBC when it issues an order sanctioning the next heavyweight title fight. We welcome the opportunity to meet with you, Mr. Sulaiman and any other representatives of the WBC in order to resolve this matter. For convenience and expedience, we suggest that this meeting take place in New York rather than Mexico City because many of the representatives of the concerned parties are located in the greater New York area. Please be advised, however, that if any such discussions do not result in the WBC's immediate sanctioning of a championship fight between Mr. Maskaev and Mr. Peter, we remain prepared to take prompt legal action to protect Mr. Peter's rights.

This letter is without prejudice to Mr. Peter's rights and remedies in law and equity, all of which are specifically reserved.

Sincerely,



Barry H. Berke

cc: Robert Lenhardt, Esq.

---

<sup>1</sup> It should be noted that we do not agree that mediation or arbitration would be required in any event because, among other reasons, Mr. Peter would have claims based on the WBC's breach of its representations and promises to, and agreement with, Mr. Peter, separate and apart from the WBC's violations of its own rules.

# **EXHIBIT**

## **J**



## WORLD BOXING COUNCIL

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ROBERT J.B. LENHARDT  
WBC Legal Counsellor

February 1, 2007

Barry H. Berke, Esq.  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036-2714

**Re: Samuel Peter**

Mr. Berke:

I write on behalf of the World Boxing Council in response to your letter to Gabriel Peñagaricano dated January 31, 2006 (attached). It is unclear from your letter, but it appears that Samuel Peter does not agree that the compulsory mediation that the WBC has ordered pursuant to Section 5.3 of the WBC Rules and Regulations ("WBC Rules") is compulsory or required. Please note that the WBC's paramount objective is to resolve any dispute among all parties amicably and expeditiously, which is the purpose of Section 5 of the WBC Rules.

Your letter notes that Mr. Peter and/or his representatives are willing to meet with WBC President José Sulaimán and any other WBC representatives, and then suggests New York instead of Mexico City "because many of the representatives of the concerned parties are in the greater New York area."

If by this you mean that Mr. Peter and/or his representatives are willing to meet with representatives of all the concerned parties, i.e., including Oleg Maskaev, Vitali Klitschko, and their representatives, the WBC would be willing to accept your participation in such a meeting as the first step in the mediation process (for example, the parties must, in good faith, attempt to select a neutral mediator to conduct the mediation, which would be an agenda item for the meeting, as well as to attempt to resolve the issues), but expressly without prejudice to your position that any such participation would be voluntary and not deemed to be Peter's acceptance of compulsory mediation (and without prejudice to the WBC's position that the mediation is compulsory) and for the purposes of settlement only.

One caveat is that our willingness to accommodate your request to meet in New York would be expressly subject to the prior written agreement of all parties that no party shall attempt to serve process on any person during their presence in New York for the mediation, and that the location of the mediation will not be cited or deemed relevant to any future dispute concerning issues of venue, personal jurisdiction, or choice-of-law.

Barry H. Berke, Esq.  
Kramer Levin Naftalis & Frankel LLP  
Re: Samuel Peter  
February 1, 2007  
Page 2 of 2

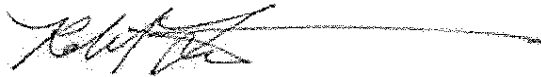
A second caveat is my understanding that Monday, February 5, 2007 is not convenient for all parties, including Mr. Sulaimán, Don King and Vitali Klitschko, to attend in person. Please advise if Mr. Peter and/or his representatives would be amenable to rescheduling the meeting for Wednesday, February 7, 2007.

Given your contention that every day results in some prejudice to your client's rights, while the WBC expressly disagrees with that contention, in order to move the process along expeditiously, please inform us tomorrow that Mr. Peter and/or his representatives will participate in the meeting on the terms outlined above. If we do not hear from you by the close of business tomorrow, February 2, 2007 to that effect, we will assume that Mr. Peter has chosen not to participate in the mediation process on either a compulsory or voluntary basis.

Finally, the WBC declines to respond at this time to the substance of your letter concerning Mr. Peter's grievance. This letter may not be construed as a waiver on any of the issues that Mr. Peter has raised, all of which may be addressed in accordance with the alternative dispute resolution provisions of the WBC Rules.

Respectfully,

WORLD BOXING COUNCIL, INC.



By: \_\_\_\_\_  
Robert J.B. Lenhardt  
WBC Legal Counsellor

Attachment

cc: Oleg Maskaev  
Vitali Klitschko  
and their Representatives;  
Gabriel A. Peñagaricano, Esq.  
WBC Secretary General

# **EXHIBIT K**

KRAMER LEVIN NAFTALIS & FRANKEL LLP

BARRY H. BERKE  
PARTNER  
PHONE 212-715-7560  
FAX 212-715-7660  
BBERKE@KRAMERLEVIN.COM

February 2, 2007

BY ELECTRONIC MAIL

Robert J.B. Lenhardt, Esq.  
WBC Legal Counsellor  
1717 Main Street, Suite 900  
Dallas, Texas 75201

Re: Samuel Peter

Dear Mr. Lenhardt:

We write on behalf of our client, Samuel Peter, in response to your February 2, 2007 letter. As stated in our January 31 letter, we would be pleased to meet with the WBC and any other individuals or entities whom the WBC believes would be helpful to it in making a decision concerning the sanctioning of the next heavyweight championship bout.

I would like to be clear, however, that even if the WBC's rules were applicable, which we dispute, we do not agree that mediation would be mandated because the WBC has yet to make a decision concerning the sanctioning of the next heavyweight title fight. Nor do we believe that mediation is necessary since the WBC's awaited decision is entirely within the WBC's control, subject to its prior agreement with Mr. Peter, and does not require input from any other party. In addition, we remind you that any sanctioning decision contrary to the agreement between the WBC, Mr. Sulaiman and Mr. Peter will result in a lawsuit.

Nevertheless, since it is in everyone's interest to avoid litigation if possible, we are willing to meet in New York on February 7 in order to discuss this issue with the WBC, as well as any other individuals that the WBC would like to be present, including Mr. Maskaev, Mr. Klitschko and their representatives. We would be pleased to host such a meeting at our offices. This meeting would be subject to the following conditions in your letter, specifically, that i) any such meeting is voluntary and without prejudice to Mr. Peter's position that mediation is not required; ii) any such meeting is likewise without prejudice to your position that mediation is required; iii) no party shall attempt to serve process on any other party during their presence in New York for purposes of this meeting; and iv) the location of this meeting will not be cited or deemed relevant to any future disputes as to venue, jurisdiction or choice-of-law. By agreeing to these conditions, Mr. Peter does not waive any argument regarding any issue, including the applicability of the WBC's rules, service of process, venue, jurisdiction and choice of law.

KRAMER LEVIN NAFTALIS & FRANKEL LLP

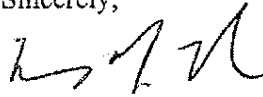
Robert J.B. Lenhardt, Esq.

February 2, 2007

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This letter is without prejudice to Mr. Peter's rights and remedies in law and equity, all of which are specifically reserved.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Berke', written in a cursive style.

Barry H. Berke

cc: Gabriel A. Peñagaricano, Esq.